IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)
FRIDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

Writ Petition No. 11951 of 2005

Between:

Sri Jorka Yettaiah died per L Rs:

1. Jorka Gowramma W/o.Late Yettaiah,
   R/o.Pasumamula Village, Hayathnagar Mandal, R.R. District.
2. Jorka Anjaiah, S/o.Venkaiah,
   R/o.Pasumamula Village, Hayathnagar Mandal, R.R. District.
3. Jorka Narasimha S/o.Venkaiah,
   R/o.Pasumamula Village, Hayathnagar Mandal, R.R. District.
4. Jorka Salaiah, S/o.Venkaiah,
   R/o.Pasumamula Village, Hayathnagar Mandal, R.R. District.

..... PETITIONERS

AND

1. The Joint Collector-I, Ranga Reddy District, at Hyderabad.
2. M/s.Ranuka Homes (P) Ltd., rep.by D.Laxmanjee,

S/o.Krishnajee, Managing Director, R/o. Flat No.201,
Sai Sampada Plaza, 2nd Floor, Habsiguda, Hyderabad.

3. Devuni Murali @ Gudidevuni Murali, S/o.Rama Lingam,
   R/o.Kutloor Village, Hayathnagar Mandal,
   Ranga Reddy District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of Certiorari by calling for the records pertaining to the impugned order passed by the 1st respondent in case No.F2/1186/2004, dt.02/05/2005 and quash the same by declaring as arbitrary, illegal, void *ab initio*, besides violative to the principles of natural justice.

Counsel for the Petitioners: MR.J.ASHVINI KUMAR

Counsel for the Respondent No.1: GP FOR REVENUE
Counsel for the Respondent No.2: SMT. A.BHARATHA LAKSHMI.
Counsel for the Respondent No.3: MR. C.V.NAGARJUNA REDDY.

The Court made the following :

O R D E R :

When vacate stay petition (W.V.M.P.No.1556 of 2005) has come up for hearing, both the parties have consented for disposal of the main writ petition itself, and accordingly, the writ petition is taken up for hearing and is being disposed of by this order.

2. This writ petition is filed by the petitioners, who are four in number, with a prayer to issue an appropriate writ, order or direction, more particularly one in the nature of writ of Certiorari by calling for the records pertaining to the order passed by the 1st respondent-the Joint Collector-I, Ranga Reddy District, at Hyderabad, in case No.F2/1186/2004, dated 02.05.2005 and quash the same by declaring it as arbitrary, illegal and void *ab initio*.

3. The writ petitioners claim that one Jorka Venkaiah is the original protected tenant in respect of Survey No.278/1 to 278/6 admeasuring Ac.76.35 guntas situated at Kuntloor village, Hayathnagar Mandal, Ranga Reddy District. They submitted an application to the Mandal Revenue Officer, Hayathnagar, seeking copies of the order in the file relating to the surrender of tenancy rights by Venkaiah. Their application came to be returned with a Memo., stating that the file is not traceable. Assailing the said orders of the Mandal Revenue Officer, the writ petitioners filed an appeal before 1st respondent-the Joint Collector-I, Ranga Reddy District, at Hyderabad. The Joint Collector, initially granted interim orders on 04.10.2004 directing the respondents not to alienate, change the nature of land and create third party interests until further orders and subsequently on 02.05.2005 vacated the interim order granted on 04.10.2004. Hence, this writ petition, questioning the order dated 02.05.2005 passed by the Joint Collector.

4. Heard *Sri J.Ashvini Kumar*, learned Counsel appearing for the petitioners, *Smt.A.Bharatha Lakshmi*, learned Counsel appearing for the second respondent and *Sri C.V.Nagarjuna Reddy*, learned Counsel appearing for the third respondent.

5. The learned Counsel appearing for the petitioners submits that if the respondents 2 and 3 are permitted to change the nature of the land, the very purpose of filing the application before the Mandal Revenue Officer, would be defeated.

6. The learned Counsel appearing for the third respondent submits that Venkaiah, through whom the writ petitioners are claiming title, was not at all a protected tenant and therefore, the petitioners are not entitled to claim any relief.

7. It is no more in dispute that nature of the application filed by the petitioners before the Mandal Revenue Officer is one of seeking copies of documents in the file relating to surrender of protected tenancy rights by Venkaiah. The interim relief sought for restraining the respondents from changing or alienating the lands in dispute is in no way connected with the main relief sought for in the application filed by the petitioners before the Mandal Revenue Officer.

8. In the circumstances of the case, I do not see any valid grounds to interfere with the order dated 02.05.2005 passed by 1st respondent-the Joint Collector-I, Ranga Reddy District.

9. Accordingly, the writ petition is dismissed. No costs. However, 1st respondent-the Joint Collector-I, Ranga Reddy District, at Hyderabad, is directed to dispose of the appeal pending before him, within six weeks from the date of receipt of a copy of this Order.

B.SESHASAYANA REDDY, J.

Dated: 24th June, 2005.

Note:

Issue C.C.in three days.

B/O

cs

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Joint Collector-I, Ranga Reddy District, at Hyderabad.
2. Two C.Cs. to the Government Pleader for Revenue, High Court

Buildings, Hyderabad. (O.U.T.)

3. 2 CD copies

*Form-NIC-OGS/WP{**JA**}*